

REMARKS

Claims 2-4, 7-11, and 14-16, and amended claims 1, 5, 6, 12, 13, and 17 are in this application.

Claims 1-17 were rejected under 35 U.S.C. 103(a) as being unpatentable "over Stefik et al. (US 5,629,980 A), in view of the Applicant's own admissions."

Independent claim 1, as presented herein, recites in part the following:

"detecting copyrighted work data in communication data uploaded from a client on the open communication network for supply to a server;" (Emphasis added.)

Accordingly, in the detecting step of claim 1, data may be "uploaded from a client . . . for supply to a server." As best understood, the Examiner appears to assert that Stefik et al. and, in particular, the abstract, lines 10-13 and 44-46 of column 1, lines 1-22 of column 2, and Figure 1 and the associated text of Stefik et al., disclose the detecting step of claim 1. However, it is respectfully submitted that such portions of Stefik et al. (hereinafter "Stefik") do not appear to specifically disclose detecting copyrighted work data in communication data "uploaded from a client . . . for supply to a server." Instead, Stefik appears to disclose detecting a request and, in response thereto, downloading data from a repository. (See, for example, lines 8-14 of column 7 of Stefik.)

Therefore, since Stefik et al. does not appear to specifically disclose "detecting copyrighted work data in communication data uploaded from a client . . . for supply to a server," as set forth in independent claim 1, it is respectfully submitted that claim 1 is distinguishable from the applied combination of Stefik and "Applicant's own Admissions."

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that

amended independent claims 5, 6, 12, 13, and 17 are distinguishable from the applied combination of Stefik and "Applicant's own Admissions."

Claims 2-4, 7-11, and 14-16 are dependent from one of independent claims 1, 6, and 13. Accordingly, it is also respectfully submitted that dependent claims 2-4, 7-11, and 14-16 are distinguishable from the applied combination of Stefik and "Applicant's own Admissions" for at least the reasons previously described.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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